

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, STATE OF NEW JERSEY
MAYOR AND COUNCIL
REGULAR MEETING – 6:30 P.M.
VIA VIDEO TELECONFERENCE (VTC)
March 2, 2021 – AGENDA**

OPENING – 6:30 P.M.

PLEDGE OF ALLEGIANCE

INVOCATION

STATEMENT: In accordance with section V of the Open Public Meetings Act, Chapter 231 P.L. 1975, Notice of this meeting was posted on the Borough of Penns Grove Municipal Bulletin Board designed for that purpose. Notice was also posted on the Borough of Penns Grove website: www.pennsgrove-nj.org and was emailed to the official newspaper as provided by Resolution. Additionally, In response to the state of emergency in New Jersey regarding COVID-19 (“Coronavirus”), this March 2, 2021 Meeting will be held via “Zoom” online meeting platform.

ROLL CALL

PAYMENT OF BILLS & APPROVAL OF BILL OF BILL LIST: Motion: _____ Second: _____ Voice Vote _____

APPROVAL OF MINUTES:

November 17, 2020 (Executive session)

February 2, 2020 (Regular session)

February 16, 2021 (Regular session):

Motion to adopt by consent: _____ Second: _____ Roll Call _____

INTRODUCTION OF RESOLUTIONS FOR CONSIDERATION BY CONSENT:

2021-3-29 – RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE RETAIL LICENSE FOR THE 2020-2021 LICENSE TERM

2021-3-30 – AUTHORIZING THE SALE OF CONTIGUOUS PROPERTIES PURSUANT TO N.J.S.A. § 40A:12-13.2 TO RICHARD RIVERA

Motion to adopt Resolution No. 2021-3-29 through 2021-3-30 _____ Second _____ Roll Call

FIRST READING AND INTRODUCTION FOR ORDINANCE(S): Public Hearing to be held on March 16, 2021

2021-8 – AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 206, BUILDINGS, UNFIT AND ABANDONED, OF THE CODE OF THE BOROUGH OF PENNS GROVE

Motion to adopt by Title only _____ second _____ Roll Call

SECOND READING AND PUBLIC HEARING FOR ORDINANCE(S):

2021-7 – AN ORDINANCE EXEMPTING RESIDENCY

Public Comment

Motion to adopt _____ second _____ Roll Call Vote

COMMITTEE REPORTS:

Buildings & Grounds (Martin, Giordano, Rambo):

General Government/Clean Communities/JIF Fund/Finance (Scarpaci, Martin, Giordano):

Housing/Zoning & Planning/Shade Tree (Giordano, Martin, Rambo):

Recreation/Board of Health (Carter, Mincey, Martin):

Public Works/Streets & Roads (Rambo, Mincey, Carter):

Public Safety (Mincey, Martin, Giordano):

DEPARTMENTAL REPORTS:

Finance Officer Report

Chief of Police Report

Fire Chief Report

Ambulance/EMS Captain Report

Mayoral Comment

Attorney Report

APPOINTMENTS:

- Karina K. Hurtado-Trejo – Penns Grove Ambulance
- Councilman Giordano – Alternate Fund Commissioner

NEW BUSINESS:

- Horizon Blue Cross – Dental contract renewal

PUBLIC PORTION:

ADJOURNMENT:

Motion to adjourn the meeting _____ Second _____ Voice Vote _____

NEXT COUNCIL MEETING WILL BE HELD ON MARCH 16, 2021 AT 6:30 P.M.

Borough Attorney /s/ Robert L. Tarver, Jr.

**RESOLUTION OF THE MAYOR AND COUNCIL
BOROUGH OF PENNS GROVE
COUNTY OF SALEM**

RESOLUTION NO. 2021-2-29

**RENEWAL OF INACTIVE ALCOHOLIC BEVERAGE RETAIL LICENSE FOR THE 2020-2021
LICENSE TERM**

WHEREAS, the following named persons has made application for renewal of Alcoholic Beverage License for the type designated and there appearing no objections to the contrary; and

WHEREAS, the licensee has received a special ruling from the Director of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.39 Special Ruling for license term 2020-2021; and

WHEREAS, the licensee has met all of the requirements of the Alcoholic Beverage Control Commission and the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that the following described license be granted, subject to local ordinance, from July 1, 2020 to June 30, 2021 for the following:

1707-32-006-008

In 'N Out Liquor, Inc.

(no sited premise)

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to endorse and seal the aforesaid license;

BE IT FURTHER RESOLVED, that a copy of this resolution, certified by the Municipal Clerk, be forwarded to the Director of the Division of Alcoholic Beverage Control and the Treasurer of the State of New Jersey.

The foregoing resolution was adopted at a regular meeting of the Borough of Penns Grove on March 2, 2021.

LADAENA THOMAS
MAYOR

ATTEST:

CLERK

DATED ADOPTED

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
							MINCEY, PRESIDENT						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Resolution on file in the Borough Clerk's Office.

DATE OF ADOPTION: _____

/s/ Sharon Williams, Borough Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

RESOLUTION NO. 2021-3-30

**AUTHORIZING THE SALE OF CONTIGUOUS PROPERTIES
PURSUANT TO N.J.S.A. § 40A:12-13.2 TO RICHARD RIVERA**

WHEREAS, pursuant to N.J.S.A. § 40A:12-13.2, whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land; and

WHEREAS, **Richard Rivera**, of 56 W. Main Street, Unit 1, Penns Grove, NJ 08069 (hereinafter, "Mr. Rivera"), owns 195-197 and 199 West Main Street, Penns Grove, NJ 08069 (hereinafter, the "Owned Properties"); and

WHEREAS, the Borough of Penns Grove intends to sell 4 Penn Street (Block 56, Lot 12) and 5 Delaware Avenue (Block 56, Lot 6.02) (hereinafter collectively, the "Contiguous Properties"), and they are contiguous to the Owned Properties; and

WHEREAS, Mr. Rivera has invoked his right of first refusal pursuant to N.J.S.A. § 40A:12-13.2, with respect to the Contiguous Properties; and

WHEREAS, Mr. Rivera has indicated a desire to purchase the Contiguous Properties; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that pursuant to N.J.S.A. § 40A:12-13.2, the proper officials of the Borough be and are hereby authorized to sell 4 Penn Street (Block 56, Lot 12) and 5 Delaware Avenue (Block 56, Lot 6.02) to Richard Rivera.

AND BE IT FURTHER RESOLVED that the Clerk certify a copy of this Resolution and file it on the public record.

The foregoing resolution was adopted at a regular meeting of the Borough of Penns Grove on March 2, 2021.

LADAENA THOMAS, MAYOR

ATTEST:

CLERK

DATED ADOPTED

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
							MINCEY, PRESIDENT						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Resolution on file in the Borough Clerk's Office.

DATE OF ADOPTION:

/s/ Sharon Williams, Borough Clerk

Approved as to Form and Legality on Basis of Facts Set Forth

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
SALEM COUNTY**

ORDINANCE NO. 2021-7

**AN ORDINANCE EXEMPTING CERTAIN MUNICIPAL OFFICERS FROM
RESIDENCY REQUIREMENTS**

BE IT ORDAINED, by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that pursuant to N.J.S.A. 40A:60-6(b)(3), the following positions shall be exempt from the statutory requirement of Borough Residency:

**Business Administrator
Police Director**

SECTION 1:

All Ordinances or parts of ordinances inconsistent with any of the terms of this Ordinance are hereby repealed to the extent of such consistency or inconsistencies.

SECTION 2:

This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

ATTEST:

Sharon R. Williams, Municipal Clerk

LaDaena D. Thomas, Mayor

Intro:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Martin						
Mincey						
Rambo						
Giordano						
Scarpaci						

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on February 16, 2021 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 7:00 p.m. on March 2, 2021 at which time any interested person will be given an opportunity to be heard.

Sharon R. Williams, Municipal Clerk

FINAL:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter						
Martin						
Mincey						
Rambo						
Giordano						
Scarpaci						

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on February 16, 2021 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey at 7:00 p.m. on March 2.

Sharon R. Williams, Municipal Clerk

Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

ORDINANCE NO. 2021-8

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 206, BUILDINGS, UNFIT
AND ABANDONED, OF THE CODE OF THE BOROUGH OF PENNS GROVE**

WHEREAS, Chapter 206 of the Code of the Borough of Penns Grove involves Buildings, Unfit and Abandoned; and

WHEREAS, the Borough would like to amend this Chapter to give more discretion to the Borough Officials charged with enforcing this Chapter with respect to the issuance of notices and summonses; and

WHEREAS, the Mayor and Council of the Borough of Penns Grove have reviewed the attached revisions to Chapter 206 of the Code of the Borough of Penns Grove and would like to incorporate those revisions into the Code of the Borough of Penns Grove.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that:

1. Article III of Chapter 206, Buildings, Unfit and Abandoned, of the Code of the Borough of Penns Grove, shall be amended as follows:

ARTICLE III

Vacant Property Registration

§ 206-15 - Definitions.

For purposes of this article, the following terms are defined as set forth herein:

MUNICIPAL OFFICER

The Housing Officer and/or the Code Enforcement Officer or such official as may be designated by the Mayor and Council.

[Amended 7-5-2017 by Ord. No. 2017-5]

OWNER

Includes any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec.

17, as amended by P.L. 2009, c. 296), or any other entity determined by the Municipal Officer of the Borough of Penns Grove to have authority to act with respect to the property. This article exempts any municipal, county or state owner of a vacant building or structure.

VACANT PROPERTY

Any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy has substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the criteria for abandoned property in N.J.S.A. 55:19-81; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owners for sale or rental shall not be deemed a vacant property for purposes of this article.

[Amended 7-5-2017 by Ord. No. 2017-5]

§ 206-16 - Registration required.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. Effective on April 1, 2015, the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, or within 10 days of receipt of notice by the municipality, or upon the issuance of a summons by a Borough Official file a registration statement for such vacant property with the Municipal Officer on forms provided for that purpose by the Municipal Officer along with any fee required by this article. Failure to receive a notice or summons by the municipality shall not constitute grounds for failing to register the property. Borough Officials shall have discretion as to whether to issue a summons or a 10-day notice.

B. Each property having a separate tax block and lot number shall be registered separately.

C. The registration shall include the information required under this section, the insurance certificate required by § 206-20 of this article, as well as any additional information that the Municipal Officer may reasonably require.

D. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in § 206-18 for each vacant property registered.

E. The Municipal Officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the Municipal Officer, in which case the initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

F. Any owner of vacant property who submits plans to the Municipal Officer that completely rehabilitate or restore the property to productive use and occupancy within the twelve-month period following the date of the initial property registration shall be exempt from payment of the registration fee if the Municipal Officer deems the rehabilitation or restoration project may be

complete in that twelve-month period but shall comply with all other provisions of this article. In the event that the property has not been restored to productive use and occupancy at the end of the twelve-month period, the owner shall be liable for any fee waived. The Municipal Officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the owner where the Municipal Officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve-month period.

G. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this article is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, marketing or other conditions that project may require more than one year for realization, the Municipal Officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the Municipal Officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

H. The owner shall notify the Municipal Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Officer for such purpose.

I. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

§ 206-17 - Designation of agent and service of notices.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

B. An owner who is a natural person may designate himself or herself as agent or as the individual responsible for maintaining the property.

C. By designating an authorized agent under the provision of this section, the owner consents to receive any and all notices or summonses with respect to code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice, summons, or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

D. Any owner who fails to register a vacant property under the provisions of this article shall further be deemed to consent to receive, by posting at the building, any and all notices or summonses with respect to code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 206-18 - Fees.

A. The registration and renewal fee for each building or structure shall be as follows:

- (1) Initial registration: \$500 or prorated amount per § 206-16 of this article.
- (2) First renewal: \$1000.
- (3) Second renewal: \$1500.
- (4) Any subsequent renewal: \$100 or 5% of assessed value, whichever is higher.

B. At least 50% of all fee income resulting from the application of this article shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and/or promote further productive reuse of properties.

§ 206-19 - Maintenance requirements.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

A. Enclose and secure the structure as provided in the applicable code of the Borough of Penns Grove or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;

B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well maintained and kept free from trash or debris;

C. Post a sign affixed to the structure with the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the authorized agent. The sign shall be at least eight inches by 24 inches in dimension, shall include the words "to report problems with this building, call..." and shall be placed in a location where it is clearly legible from the nearest public street sidewalk; and

D. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

§ 206-20 - Insurance.

A. The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for one- to four-unit residential

use and not less than \$1,000,000 for any other building, including but not limited to buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

B. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

§ 206-21 - Information procedure.

The Borough of Penns Grove shall establish a procedure by which citizens can provide the Municipal Officer with information on unkempt or unregistered properties that may be subject to this article.

§ 206-22 - Violations and penalties.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. Any person who violates any provision of this article or of the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later, within 10 days of receipt of notice by the municipality, or upon the issuance of a summons, failure to provide correct information on the registration statement, failure to comply with the provisions of § 206-19 or 206-20 of this article, or such other matters as may be established by the rules and regulations of the Municipal Officer shall be deemed to be violations of this article.

LADAENA THOMAS, MAYOR

ATTEST:

CLERK

DATED ADOPTED

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FIRST READING													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						

CARTER														
MINCEY, PRESIDENT														
X-Indicates Vote		NV-Not Voting		AB-Absent		MOT-Motion		SEC-Second						

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COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
MINCEY, PRESIDENT													
X-Indicates Vote		NV-Not Voting		AB-Absent		MOT-Motion		SEC-Second					

This is a Certified True copy of the Original Ordinance on file in the Borough Clerk's Office.

DATE OF ADOPTION: _____
/s/ Sharon Williams, Borough Clerk